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NOTICE OF PUBLIC COMMENT PERIOD
456 CMR et seq. DEPARTMENT OF LABOR RELATIONS

Under the provisions of G.L. c. 30A, the Department of Labor Relations (Department) will hold a public hearing for the purposes of gathering comments, ideas, and information concerning the amendments and rescissions of the following regulations:

456 CMR 1 through 23, Department of Labor Relations:

456 CMR 1.00:	RESERVED
456 CMR 2.00:	ADMINISTRATION OF THE LABOR RELATIONS LAW: M.G.L. c. 150A
456 CMR 10.00:	ADMINISTRATION OF M.G.L. C. 150E, AN ACT PROVIDING FOR COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES
456 CMR 11.00:	DEFINITIONS
456 CMR 12.00:	GENERAL PROVISIONS
456 CMR 13.00:	CONDUCT OF HEARINGS
456 CMR 14.00:	QUESTIONS OF REPRESENTATION
456 CMR 15.00:	INVESTIGATIONS
456 CMR 16.00:	VARIOUS PROVISIONS OF M.G.L. 150E
456 CMR 17.00:	AGENCY SERVICE FEE
456 CMR 18.00:	DESIGNATION OF DEPARTMENT AGENTS
456 CMR 19.00:	RESERVED
456 CMR 20.00:	CONSTRUCTION OF RULES, AMENDMENT AND PUBLICATION
456 CMR 21.00:	RULES FOR INTEREST MEDIATION, FACT-FINDING AND INTEREST ARBITRATION IN DISPUTES INVOLVING PUBLIC EMPLOYERS AND PUBLIC EMPLOYEES; PRIVATE SECTOR INTEREST MEDIATION
456 CMR 22.00:	GRIEVANCE MEDIATION IN THE PUBLIC AND PRIVATE SECTORS
456 CMR 23.00:	CONDUCT OF GRIEVANCE ARBITRATION PROCEEDINGS

The overall effort in the proposed amendments is to update and simplify the language, remove unnecessary sections, and have a better flowing, user friendly and interactive

regulation on the whole. 456 CMR has been amended a number of times over many years to meet statutory changes and reorganizations of the agency and its administration. Consequently, the regulation is dated in some sections and in others does not flow because it is the product of additions and amendments. The proposed changes are designed to correct those issues, by organizing sections more appropriately. One technical amendment throughout the regulation includes changing the name of the agency throughout the regulation to properly refer to it as the Department in accord with G.L. c. 23, sections 9O-9U, the Department's governing statute.

The amendments also include updating and correcting the regulatory authority. Further, the amendments remove or replace language that is outdated, offered no real regulatory purpose, or was duplicative of G.L. c. 150E adding no further regulation or clarification beyond the statutory language.

The proposals also include some more specific changes, summarized below.

456 CMR 1.00: RESERVED

Because the inclusion of a table of contents in a Massachusetts regulation is not required and is not consistent with the majority of promulgated regulations in Massachusetts, as matter of consistency of form, the Department recommends this regulation be rescinded.

456 CMR 12.00: GENERAL PROVISIONS

Additions mirror the language found in 801 CMR 1.00 in instances the rules found in 801 CMR 1.00 are applicable to the Department's proceedings.

456 CMR 13.00: CONDUCT OF HEARINGS

Additions mirror the language found in 801 CMR 1.00 in the instances they are applicable to the Department's proceedings.

456 CME 14.00: QUESTIONS OF REPRESENTATION

14.06: Bars to Petitions: Elections

- (1) **Contract Bar.** The proposed changes would prohibit a collective bargaining contract from acting as a bar to a representation petition unless a copy of the contract has been filed with the DLR and the employee organization has included the effective dates of the agreement on its Form 1. The proposed change includes a good cause exception.

(2) (3) and (4) Changes were made to these sections to clarify how a Petition for Certification by Written Majority Authorization filed pursuant to 456 CMR 14.19 affects 456 CMR 14.06 Bars to Petitions.

(5) (b) **Recognition Year Bar.** The proposed change requires an employer to notify the employees in a proposed bargaining unit via email and/or intranet posting of its intention to grant exclusive recognition to an employee organization, if that is how the employer customarily communicates with its employees. The current regulation only requires a physical posting.

(d) **Recognition Year Bar.** The proposed change requires that a recognition agreement be signed and dated by both parties.

(e) **Recognition Year Bar.** The proposed change requires the employer to verify that the employee organization is in compliance with M.G.L. c. 150E, §§ 13 and 14 prior to recognition.

(f) **Recognition Year Bar.** The proposed change requires the employer to file a copy of any recognition agreement with the DLR with 7 days of its execution.

456 CMR 15.00: INVESTIGATIONS

Many of the procedures relevant to Chapter 13.00 Conduct of Hearings were misplaced in this Chapter and have been moved to Chapter 13.00 and modified.

456 CMR 16.00: VARIOUS PROVISIONS OF M.G.L. 150E

16.01: Filing of Contracts. The proposed change requires that a copy of any contract be filed electronically with the DLR within 30 days of its execution.

16.05: Compliance with M.G.L. c 150E §§ 13 and 14 The proposed changes detail the information an employee organization must include in its Forms 1 and 2 to be in compliance with M.G.L. c. 150E, §§ 13 and 14.

456 CMR 17.00: AGENCY SERVICE FEE

Generally, the proposed amendment moves the definitions to 456 CMR 11.00 (Definitions) for ease of reference and consistency.

17.05 Demand for Payment of a Service Fee The proposal adds a paragraph to allow the bargaining agent to electronically provide information it is required to provide to the fee payer.

17.08 Investigation Outdated processes that the Department no longer uses have been removed.

17.09: Complaint Removes duplicative process for filing a request for review.

17.12 Hearing and Final Determination The proposed amendment removes language that delays the scheduling of a hearing.

456 CMR 19.00 ADVISORY COUNCIL The Department recommends rescinding this chapter of the regulation because it merely reiterates the statutory language that creates and governs the Department's Advisory Council, G.L. c. 23, section 9Q and adds no further regulation or clarification beyond the statutory language.

456 CMR 22.00: GRIEVANCE MEDIATION IN THE PUBLIC AND PRIVATE SECTORS

The amendments separate out the procedures for mediations and arbitrations. Some sections were properly placed in the following chapter that also governs procedures for arbitrations, leaving this chapter to govern mediations only.

456 CMR 23.00: CONDUCT OF GRIEVANCE ARBITRATION PROCEEDINGS

The amendments move the arbitration procedures from the previous chapter to this chapter to consolidate in one chapter all the rules regarding arbitrations.

Scheduled Hearing Date: August 8, 2016 at 11 AM
Location: 19 Staniford Street, Boston, Massachusetts, 0108

Anyone who desires to be heard on the matter should appear at the designated time and place. A written public comment period will begin on August 1, 2016 and such comments should be submitted to The Department of Labor Relations, 19 Staniford Street, Boston, MA 02108, attention: Regulations. Comments will be accepted until 4:30 PM on August 8, 2016.

A link to the proposed changes is on the DLR's website at:

<http://www.mass.gov/lwd/labor-relations/>